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Torino: The School of Thought of Norberto Bobbio



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Introduction

Norberto Bobbio (1909–2004) was one of the most important and influential Italian intellectuals of the late twentieth century. A philosopher of law and politics, political scientist, interpreter of the classics of legal and political thought, and militant intellectual, he produced fundamental studies on an extensive range of subjects, following an “empirical-analytical” method that combined the analysis of concepts and the construction of theoretical models with a clear regard for their applicability to empirical reality (see entry ► [“The Philosophy of Norberto Bobbio”](#)).

The first to refer to a “northwestern analytical school” that was “born in Turin out of the research and teaching of Norberto Bobbio” was Uberto Scarpelli (1982a). The designation “Bobbio school,” adopted by Anna Pintore (1985), then found its definitive sanctification with the publication of the book *La escuela de Bobbio* (1990), by the Spanish scholar M.A. Barrère Unzueta. However, the same title, or others like it, such as “school of Turin,” has more recently also been used with reference to the group of philosophers and political scientists that gathered around

Bobbio in the years following his appointment to the chair of political philosophy of the University of Turin (Fernandez Santillán 1996).

Hence the question: should one talk of two distinct “Bobbio schools,” corresponding to the two main disciplines of the Turinese scholar’s research and university courses? In tracing a comprehensive profile of his *maestro*, Michelangelo Bovero has insisted on the unison of Bobbio’s approach to the theory of law and that of politics, which he always treated as complementary and congeneric, in accordance with his conviction that the “world of rules” and the “world of power” are interconnected. Could one say the same about those who were inspired by Bobbio’s theoretical and methodological teachings? In the following entry, we will attempt to describe separately the events surrounding the two “schools” of legal and political theory engendered by Bobbio, before then reconsidering, in the conclusion, the question of their relationship.

The Theory of Law

The year 1950, in which Bobbio’s *Scienza del diritto e analisi del linguaggio* (The Science of Law and Linguistic Analysis) was published, is generally considered the birthdate of the Italian school of analytical philosophy of law, which, while not completely identical to the Bobbio school, largely overlaps with the latter (Pintore 1997). In the context of Italian philosophical

culture still profoundly imbued with idealism, this essay became a veritable programmatic manifesto of a new way of conceiving philosophy of law and legal science, inspired by logical positivism and contemporary philosophy of language (Pattaro 1972). Thus it can be said that philosophy of law first met linguistic analysis in Italy, predating even the same encounter in Great Britain, since the famous inaugural lecture delivered by Hart in Oxford took place in 1952 (Ferrajoli 1999) (See entry ► “[Philosophy of Language and Law](#)”).

Reflecting, many years later, on the identifying attributes of “our school,” Scarpelli spoke of a “commonality of attitudes and methods” inspired by the traditions of general theory of law, analytical positivism, and analytical jurisprudence, as well as that of linguistic analysis. He nevertheless observed that, while the tendency to look inside the “machine of law,” disassembling and reassembling its parts, was a common trait of the school as a whole, a second way of construing analytical philosophy – that is, as an analysis of language in the technical sense – has been well theorized albeit practiced to a different extent by its various components (Scarpelli 1982a). Apart from the methodological aspect, the group of scholars that from the 1960s gathered around Bobbio – Uberto Scarpelli, Giacomo Gavazzi, Amedeo G. Conte, Luigi Ferrajoli, Mario G. Losano, Giorgio Lazzaro, Giovanni Tarello, and Letizia Gianformaggio – was distinguished by its adherence to the thesis of the “great divide” between descriptive and prescriptive discourse, which gives rise to the criticism of natural law theories and the option of noncognitivist metaethics, by their neo-empiricist conception of science and by their Enlightenment and secular approach to the “world of practice.”

Among the most significant results of the early years of activity of these scholars, united by frequent contact and regular intellectual exchange, were the studies of the general theory of law by Lazzaro and Gavazzi (1993); the theory of language and morality by Scarpelli (1982b); the work on deontic logic by Conte, which developed a line of research begun in Italy by Bobbio himself (Conte 1989); the equally innovative studies of Losano on legal informatics; and the first draft, by

Ferrajoli, of an axiomatic theory of law that was completed 30 years later (Ferrajoli 2007).

In legal theory, the common point of reference was legal positivism, in the version offered by Hans Kelsen (see entry ► “[Legal Positivism and Hans Kelsen](#)”). Losano edited several Italian editions of Hans Kelsen’s work and made some notable contributions (Losano 1981) to the interpretation hereof. For this reason the Bobbio school has sometimes been identified, somewhat reductively, with Kelsenian normativism. In reality, Bobbio and his followers’ adherence to Kelsen’s theory was neither total nor acritical. Indeed, it was the discussion on certain internal tensions in the Kelsenian model that triggered a productive debate within the school. On the occasion of a round table on the crisis of legal positivism held in Pavia in 1966 to discuss the theses presented in two recent papers by Bobbio and Scarpelli, progress was made on the idea of a fundamental incompatibility between normative legal positivism and the value freedom required by neo-empiricism (Pattaro 1972). Bobbio concluded this discussion recognizing that legal doctrine (or jurisprudence) (See entry ► “[Jurisprudence](#)”) did not have an exact scientific nature, but he still upheld the possibility of descriptive meta-jurisprudence; Scarpelli posited the need to spell out the “political choice” in favor of a particular positive law that would underpin any form of legal positivism (Barberis 1993).

In the following years, the debate continued on the theoretical status of legal science (See entry ► “[Legal Science](#)”) and other disciplines that reflected on law. In Tarello’s work especially, the outcome of the criticism of legal positivism reached its highest point: Tarello formulated a radically skeptical theory of interpretation which, building on the ideas of Alf Ross, refuted the existence of norms as objects pre-existing the activities of the interpreter (Tarello 1980). Tarello also provided important historical studies on the role of jurisprudence and doctrine also in the production and not only the interpretation of law.

In subsequent years, the confrontation between normativists and realists within the school of analytical philosophy inspired by Bobbio was at times lively and enriched by contributions of

new participants. Whereas Scarpelli, Ferrajoli, and Mario Jori, a pupil of Scarpelli and Herbert Hart, remained faithful to the normativist approach and employed a “reconstructivist” form of linguistic analysis in order to elaborate a formal theory of law, the scholars who adhered to the realist paradigm, like Tarello and his pupil Riccardo Guastini, interpreted the philosophy of language in a mainly “therapeutic” way, associating it with the task of eliminating all ideological metaphysical terminology from the lexicon of jurists (Barrère Unzueta 1990).

During the 1970s and 1980s, the application of linguistic analysis to the phenomenon of law enriched research ranging from the formal theory of law to deontic logic and to the interpretation of and the analysis of legal reasoning, to which Letizia Gianformaggio (2008) in particular dedicated herself (as well as contributing with innovative studies on gender and the principle of equality). Nevertheless, the “initial Bobbian plan for an empirical-analytical overhaul of all legal science and of the same theory of law” (Ferrajoli 1999) appeared to have fallen into neglect. This project was resumed by Ferrajoli, who reinterpreted it and “corrected” it in the light of changes generated by the emergence of rigid constitutionalism in postwar Europe (See entry ► “Constitucionalism”). The new constitutional paradigm, according to Ferrajoli, required giving up the “Kelsenian and Bobbian illusion of a pure or formal theory of law in a ‘value-free,’ or ‘merely descriptive’ sense” (Ferrajoli 1999). This would not, however, entail a rejection of the scientific character of the theory of law, which had been called into question by the more radical forms of realism. Rather it would involve recognizing the prescriptive dimension of the theory of law, which avails itself of conventional theoretical concepts and hypotheses, and would to some degree result from an ethical and political choice. But the prescriptive dimension at the same time preserves the cognitive dimension, holding fast the empirical anchoring of the legislator’s language and the stringency of the theoretical construction ensured by the axiomatic method. The most mature result of this approach was the axiomatic theory of law and democracy presented in *Principia juris* (Ferrajoli 2007).

Closer to Bobbio’s ideal of a value-free legal science aimed at understanding rather than modifying the existing law was the Genoese branch of the Bobbio school, pioneered by Tarello; developed by Riccardo Guastini (1996), Paolo Comanducci, Mauro Barberis, and Pierluigi Chiassoni; and later sustained by a new generation of scholars, many of whom are not Italian (See entry ► “Genoese Legal Realism”).

Political Theory

In 1972 Bobbio gave up his chair at the University of Turin in philosophy of law, a chair he had held since 1948, in order to take up the chair of political philosophy. From 1962, the year of his first appointment as professor of political science, at the same University in Turin, he had begun to apply the tools of conceptual analysis to the world of politics, in which he had become involved from the early days of his anti-fascist militancy and his adherence to the *Partito d’Azione* (Action Party). His work contains many references to a plan for the construction of a general theory of politics that – along the lines of the general theory of law – would have the task to clarify the fundamental categories of political language that all too often were contaminated by ideology.

This project resulted, in 1999, in the publication of a collection of essays, edited by Michelangelo Bovero, entitled *Teoria generale della politica* (A general theory of politics). This collection brings together in a systematic way essays written by Bobbio over many decades. Bobbio first intensified his work on the classics of political theory in the 1960s. He paid particular attention to “recurring themes” and to the identification of categories and theoretical models that were trans-epochal in scope.

Among the fruits of that research was the book that can be considered the first pillar of the nascent Bobbian school of political philosophy, namely, *Società e Stato nella filosofia politica moderna* (Society and state in modern political philosophy, 1979), which comprises a first part, by Bobbio, dedicated to the “natural law model” and a second

part, by his pupil and collaborator Bovero, on the “Hegelian-Marxian model.” The first model, dating back to Hobbes, was based on the great dichotomy of natural state/civil society; the second, initiated by Hegel, hinged on the contraposition between civil society and the state. Another of Bobbio’s pupils, Paolo Farneti, who had graduated with him in philosophy of law on a dissertation that Bobbio had supervised, but who soon turned to studying political science and political sociology, had a few years earlier enhanced the model by introducing the notion of “political society” to indicate an intermediate sphere between the state and civil society, in which political parties took shape and operated (Farneti 1971). Farneti, who died prematurely in 1981, was also responsible for empirical research on the Italian political class and studies of history and political sociology. Another of the early fruits of the Bobbian school of political science that must be mentioned is the *Dizionario di politica* (Dictionary of politics), which appeared in a first edition in 1976 and on which worked, first, as “editor in chief” and then as “co-director” (alongside Bobbio and Matteucci), one of Bobbio’s first graduates in political science, Gianfranco Pasquino.

If the analytical style, the attempt to clarify concepts, the propensity for typification, and the construction of models were characteristic of scholars who referred to Bobbio’s teachings, so too was the way in which they moved between political science, sociology, history, and political philosophy, addressing many different themes. Luigi Bonanate, a pupil of Bobbio’s, dedicated himself to the study of war and peace, focusing on the link between international order, democracy, and ethics, taking a critical approach toward the realist paradigm then prevalent among scholars of international relations (Bonanate 1992). Marco Revelli, who graduated in jurisprudence under the supervision of Bobbio and Alessandro Passerin d’Entreves, but who then dedicated himself to political science, sociology, and the history of ideas, investigated the left/right dichotomy – a central theme in Bobbio’s work – from a historical and analytical perspective, providing deep insight into several major ideologies

of the twentieth century, from Fascism to right-wing liberalism and to communism while also tackling the phenomenon of globalization and the crisis of the “labor society” (Revelli 2009). Pietro Polito also interpreted certain critical moments in the history of twentieth-century political thought. He coordinated, together with Revelli, the “Ethics and Politics” seminar held between 1979 and 1998 at the Piero Gobetti Study Centre in Turin under the direction of Bobbio. In addition to working with Bobbio and editing some of his works, Polito has written essays on anti-fascist intellectual as Aldo Capitini and Piero Gobetti (Polito 2001). The “realist” side of the Bobbian school of political philosophy is well represented by Pier Paolo Portinaro, an expert on Schmitt and Anders and author of numerous books on the theories and political institutions of modern and contemporary Europe (Portinaro 1986).

But the main topic of the Bobbian school of political theory was democracy. This has been the main object of research carried out over the past 20 years by Michelangelo Bovero who, by elaborating and enriching Kelsen and Bobbio’s procedural theory of democracy, has developed a set of criteria for assessing the degree of democracy within political systems. Bovero observed how the majority of regimes commonly classified as democratic had a tendency to reduce the role of parliament in favor of the executive branch of government, not least by introducing electoral systems distorting popular will. This trend led to the establishment of a post-democratic model which he called “elective autocracy” for which the purpose of elections was contracted to the investiture of a monocratic power in itself incapable of representing the plurality of interests and opinions of citizens (Bovero 2000) (see the entry ▶ “Postdemocracy”). The issue of inequality between citizens in our contemporary democracies is revisited in the reflection of Piero Meaglia, who looked in particular at the role of oligarchies and stakeholder groups before and after elections (Meaglia 2006). The concept of democracy and the analysis of its foundations in the context of post-secular societies is one line of enquiry pursued by Raffaella Sau and Virgilio Mura. Mura is

a scholar who more than any other has sought to resume the Bobbian project of a general theory of politics, aiming to investigate systematically the fundamental categories of political language (Mura 2004). Ermanno Vitale, after studying Hobbes, investigated how theories of multiculturalism and, more recently, how the ideology of the “common good” pose challenges to democracy and fundamental rights, which has led him to a secular and rationalist defense of the constitutional rule of law (Vitale 2000). More recently, a new generation of scholars in Turin has continued to work in the wake of Bobbio’s methodological and ideal lesson. Among these are Valentina Pazé (2011) and Massimo Cuono (2013).

During the 1980s and 1990s, Bobbio’s work, not only his legal writings, became internationally known. Numerous translations were made, spreading particularly in Spain, where Bobbio’s association with certain important political and intellectual opponents to the Franco regime, such as Elias Diaz and Gregorio Peces-Barba, had a long history. Several “Bobbologists” who moved to Turin to study and converse with Bobbio – and later with Bovero, who succeeded him on the chair of political philosophy – eventually became “Bobbians” and published works identifiable as products of the Turin school. Noteworthy among these “Bobbians” are Alfonso Ruiz Miguel, author of two important monographs on Bobbio and also author of several studies on democracy, secularism, cosmopolitanism, war and peace, and international justice (Ruiz Miguel 2009); Andrea Greppi, author of the most comprehensive work on Bobbio’s political thought, who has inquired into the concepts of democracy and representation in contemporary political thought (Greppi 2006); and Patricia Mindus, one of the most recent pupils of the “Turin school,” who wrote an intellectual biography of Axel Hägerström and a systematic study of the notion of citizenship (Mindus 2014). Beyond Europe, the work of Celso Lafer in Brazil, Alberto Filippi in Argentina, and Agustín Squella in Chile has contributed to the spread of Bobbio’s legal and political thought and should not be overlooked. The *Instituto Norberto Bobbio: Cultura, Democracia e Direitos Humanos* in Brazil has been active since 2005 (see entry on ► “The

School of Thought of Norberto Bobbio in Brazil”). Mexico might also be considered a veritable “second Turin school” (Fernandez Santillán 1996), where scholars who have valued Bobbio’s methodology now belong to more than one generation (see entry on the ► “Mexico: The School of Norberto Bobbio”).

Conclusion

So what relationship is there between “Bobbian” theorists of law and “Bobbian” theorists of political science? There is no doubt that, because of the ever-increasing degree of specialization that the disciplines have assumed in the academic world, it is possible to identify two distinct “Bobbio schools” that do not overlap in time and that are composed by a variety of scholars who work on distinct themes and problems. Even so, it is not difficult to discern a certain “family likeness” deriving from common methodological and meta-theoretical assumptions, as well as from the constant contact and exchange of ideas between them.

Emblematic of this “family resemblance” was the dialogue that progressed over several years between Bovero and Ferrajoli: the former was engaged in the construction of a rigorously formal and procedural theory of *constitutional* democracy, and the latter was engaged in the elaboration of an axiomatic theory of the *democratic* state of law. No less intense were the intellectual relationship between Bovero and Guastini and the collaboration between the Turin school and the Genoese school in the vast area where political and legal theory largely overlap. If the sense of this commonality was also generated through the practice of comparison and direct discussion, one cannot overlook the participation of Genoese philosophers of law in the historic seminar on political philosophy founded in 1981 by Michelangelo Bovero, Salvatore Veca, and Remo Bodei in response to a call for such a forum that Norberto Bobbio had made.

Political philosophers of the Turin school are also continuously present in the research activities and seminars of the so-called Italo-Spanish seminars, organized by analytical legal theorists

inspired by Bobbio (these seminars later grew to include also French and Portuguese scholars who identify with the method). Two of the journals of reference of the Bobbio school, namely, “Teoria politica” and “Ragion pratica,” bear witness to this uninterrupted dialogue and exchange that is typically of the school’s multidisciplinary approach. The former, founded by Bonanate in 1985 and directed by Bovero since 2011, hosts contributions on political philosophy, chiefly analytical political science, and political sociology oriented toward the elaboration of conceptual models, but also papers by legal scholars aimed at furthering general theory of law and falling within the field of constitutional law. The other journal, directed by Mauro Barberis, Riccardo Guastini, and Paolo Comanducci, is edited by a group of philosophers of law and is open to contributions from moral and political philosophers, historians, sociologists, economists, and black-letter lawyers who are interested in the great topics in the debate on ethics.

Cross-References

- ▶ [Constitutionalism](#)
- ▶ [Genoese Legal Realism](#)
- ▶ [Hans Kelsen](#)
- ▶ [Jurisprudence](#)
- ▶ [Legal Positivism](#)
- ▶ [Legal Science](#)
- ▶ [Mexico: The School of Norberto Bobbio](#)
- ▶ [Normativism](#)
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- ▶ [Postdemocracy](#)
- ▶ [The Philosophy of Norberto Bobbio](#)
- ▶ [The School of Thought of Norberto Bobbio in Brasil](#)

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